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Text and Explanation
of
THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949
as Amended,
Provisions Pertaining to the Establishment of the
Central Intelligence Agency
from
THE NATIONAL SECURITY ACT OF 1947
as Amended,

and
A Compilation of Extracts from Other Statutes Referring
Specifically to the Central Intelligence Agency
or
the Director of Central Intelligence.



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INTRODUCTION

This booklet contains the current language, with explanations, of the Central Intelligence Agency Act of 1949, as amended, and extracts pertinent to the establishment of the Central Intelligence Agency from the National Security Act of 1947, together with a compilation of other statutory extracts making specific reference to this Agency or the Director. The text of the law will be found on the left hand page, the explanatory material for corresponding sections on the right.

It is anticipated that the type of binding used in this booklet will facilitate periodic revision of the text and explanatory material to insure their being up-to-date. To this end there appears at the bottom of each page the date of most recent revision.

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1949

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CENTRAL INTELLIGENCE AGENCY
ACT OF 1949

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CENTRAL INTELLIGENCE AGENCY
ACT OF 1949

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CENTRAL INTELLIGENCE AGENCY ACT OF 1949

Public Law 110 — 81st Congress
as Amended by
Public Law 697 — 81st Congress
and
Public Law 53 — 82nd Congress

Be it enacted

DEFINITIONS

Section 1. That when used in this Act, the term —

- (a) "Agency" means the Central Intelligence Agency;
- (b) "Director" means the Director of Central Intelligence;
- (c) "Government agency" means any executive department, commission, council, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government; and
- (d) "Continental United States" means the States and the District of Columbia.

SEAL OF OFFICE

Section 2. The Director of Central Intelligence shall cause a seal of office to be made for the Central Intelligence Agency, of such design as the President shall approve, and judicial notice shall be taken thereof.

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EXPLANATION

For legal purposes the Central Intelligence Agency Act of 1949 may be cited as: 63 Stat. 208, 50 U.S.C. 403 (a) et seq., approved June 20, 1949, as amended by the Act of August 16, 1950, 64 Stat. 450, and the Act of June 26, 1951, 65 Stat. 89.

DEFINITIONS

Section 1. This section defines certain terms used in the Act.

SEAL OF OFFICE

Section 2. This section authorizes a seal of office for the Agency and requires that judicial notice be taken thereof. This is necessary to enable the Agency to make use of authenticated copies in judicial or other proceedings rather than to produce original documents. The President, by Executive Order 10111, dated February 17, 1950, approved the form of seal as presently used by the Agency.

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PROCUREMENT AUTHORITIES

Section 3. (a) In the performance of its functions the Central Intelligence Agency is authorized to exercise the authorities contained in sections 2 (c) (1), (2), (3), (4), (5), (6), (10), (12), (15), (17), and sections 3, 4, 5, 6, and 10 of the Armed Services Procurement Act of 1947 (Public Law 413, Eightieth Congress, second session).

(b) In the exercise of the authorities granted in subsection (a) of this section, the term "Agency head" shall mean the Director, the Deputy Director, or the Executive of the Agency.

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PROCUREMENT AUTHORITIES

Section 3.(a) This section extends to the Agency certain authorities in the Armed Services Procurement Act of 1947 relating to negotiation of purchases and contracts for supply without advertising if:

- (1) There is a national emergency.
- (2) The public exigency will not admit a delay.
- (3) The aggregate amount does not exceed \$1000.
- (4) For personal or professional services.
- (5) For service to be rendered by universities, colleges, or other educational institutions.
- (6) Supplies or services are to be procured and used outside the United States.
- (7) For supplies or services for which it is impracticable to secure competition.
- (8) For supplies or services the nature of which should not be publicly disclosed.
- (9) For supplies where the bid prices after advertising are not reasonable or have not been independently arrived at.
- (10) For such procurement otherwise authorized by law.

The remainder of this section adopts for this Agency the provisions of the Armed Services Procurement Act of 1947, with respect to rules for advertising, types of contracts, advance payments, liquidated damages and joint procurement.

(b) This section defines the term "Agency head," as related to the procurement authorities above. The term "Executive of the Agency" refers to the Deputy Director (Administration) in the present Agency organization.

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Section 3. (cont'd).

(c) The determinations and decisions provided in subsection (a) of this section to be made by the Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

(d) The power of the Agency head to make the determinations or decisions specified in paragraphs (12) and (15) of section 2(c) and section 5(a) of the Armed Services Procurement Act of 1947 shall not be delegable. Each determination or decision required by paragraphs (12) and (15) of section 2(c), by section 4 or by section 5(a) of the Armed Services Procurement Act of 1947, shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least six years following the date of the determination.

EDUCATION AND TRAINING

Section 4. (a) Any officer or employee of the Agency may be assigned or detailed for special instruction, research, or training, at or with domestic or foreign public or private institutions; trade, labor, agricultural, or scientific associations; courses or training programs under the National Military Establishment; or commercial firms.

(b) The Agency shall, under such regulations as the Director may prescribe, pay the tuition and other expenses of officers and employees of the Agency assigned or detailed in accordance with provisions of subsection (a) of this section, in addition to the pay and allowances to which such officers and employees may be otherwise entitled.

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(c) This section authorizes the delegation of certain procurement authorities by the Director, the Deputy Director or the Deputy Director (Administration).

(d) This section provides that certain procurement authorities shall be exercised only by the Agency head and shall not be delegable. These include the authority to:

- (1) Contract without advertising for supplies or services, the nature of which should not be publicly disclosed;
- (2) Contract without advertising for supplies where the bid prices after advertising are not reasonable or have not been independently arrived at; and
- (3) Make advance payments.

EDUCATION AND TRAINING

Section 4. (a) & (b) These sections permit the Director to pay the tuition and other expenses of special instruction, education or research for Agency personnel. Such tuition and expenses are authorized in addition to normal pay and allowances

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TRAVEL, ALLOWANCES, AND RELATED EXPENSES

Section 5. (a) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to permanent-duty stations outside the continental United States, its territories, and possessions, shall —

- (1) (A) pay the travel expenses of officers and employees of the Agency including expenses incurred while traveling pursuant to orders issued by the Director in accordance with the provisions of section 5 (a) (3) with regard to the granting of home leave;
- (B) pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;
- (C) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside;
- (D) pay the cost of storing the furniture and household and personal effects of an officer or employee of the Agency who is absent under orders from his usual post of duty, or who is assigned to a post to which, because of emergency conditions, he cannot take or at which he is unable to use his furniture and household and personal effects;

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TRAVEL, ALLOWANCES, AND RELATED EXPENSES

Section 5 is substantially adapted from corresponding provisions in the Foreign Service Act of 1946 (P.L. 724, 79th Congress). The purpose of this section was to authorize expenditures necessary for an effective overseas program.

Section 5. (a) This section authorizes the payment of the travel, allowances, and related expenses of Agency personnel assigned to permanent duty stations outside the United States.

(1) (A) This section provides for the payment of travel expenses for personnel, including travel to and from the United States for purposes of taking leave.

(B) This section provides the authority to pay the travel expenses of the members of an employee's family.

(C) This section provides for the payment of the cost of transporting household belongings of employees.

(D) This section provides for the payment of the cost of storing the furniture and household effects of an employee.

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Section 5. (a) (1). (cont'd).

(E) pay the cost of storing the furniture and household and personal effects of an officer or employee of the Agency on first arrival at a post for a period not in excess of three months after such first arrival at such post or until the establishment of residence quarters, whichever shall be shorter;

(F) pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

(2) Charge expenses in connection with travel of personnel, their dependents, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year, or the travel and transfer orders may have been issued during the prior fiscal year.

(3) (A) Order to the United States or its Territories and possessions on leave provided for in 5 U.S.C. 30, 30a, 30b, or as such sections may hereafter be amended, every officer and employee of the agency who was a resident of the United States or its Territories and possessions at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter: *Provided*, That such officer or employee has accrued to his credit at the time of such order, annual leave sufficient to carry him in a pay status while in the United States for at least a thirty-day period.

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(E) This section provides for the payment of the cost of temporary storage of furniture and personal effects of an employee on first arrival at a post.

(F) This section provides for travel expenses and transportation costs incident to the removal of an employee's family and personal effects during temporary periods due to dangerous conditions at his post of duty, and for the return of his family and personal effects upon the cessation of such conditions.

(2) This section provides the means for obligating funds during the fiscal year when travel authorizations are issued and travel is begun, but not completed in that year. The result is that current funds can be set aside in one fiscal year even though actual disbursement occurs in a succeeding fiscal year.

(3) (A) This section authorizes the granting of leave in the United States or its Territories and possessions after two years of foreign service, provided the employee has accumulated leave sufficient to carry him in a pay status while in the United States for thirty days.

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Section 5.(a) (3) (cont'd).

(B) While in the continental United States on leave, the service of any officer or employee shall not be available for work or duties except in the Agency or for training or for reorientation for work; and the time of such work or duty shall not be counted as leave.

(C) Where an officer or employee on leave returns to the United States or its Territories and possessions, leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the United States or its Territories and possessions, and such time as may be necessarily occupied in awaiting transportation.

(4) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned automobile in any case where it shall be determined that water, rail, or air transportation of the automobile is necessary or expedient for any part or of all the distance between points of origin and destination, and pay the costs of such transportation.

(5) (A) In the event of illness or injury requiring the hospitalization of an officer or full time employee of the Agency, not the result of vicious habits, intemperance, or misconduct on his part, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means he shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b), to the nearest locality where a suitable hospital or clinic exists and on his recovery pay for the travel expenses of his return to his post of duty. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;

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(B) This section provides that an employee while in this country on leave may be assigned to temporary duty in the Agency for special purposes or reorientation prior to returning to foreign service abroad.

(C) This section provides that travel time will not be charged to leave.

(4) This section provides for the payment of shipping expenses for private automobiles.

(5) (A) (B) (C) and (D) These sections provide for the health of overseas employees by permitting—

1. the payment of travel expenses to the nearest adequate facility, when local medical facilities are inadequate,
2. the establishment of a first-aid station and a nurse at a post where the number of personnel warrants such a station,
3. the payment for the cost of treatment of illness or injury incurred in the line of duty overseas, and
4. the payment of the cost of physical examinations and administering inoculations or vaccinations.

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Section 5.(a) (5) (cont'd).

(B) Establish a first-aid station and provide for the services of a nurse at a post at which, in his opinion, sufficient personnel is employed to warrant such a station: *Provided*, That, in his opinion, it is not feasible to utilize an existing facility;

(C) In the event of illness or injury requiring hospitalization of an officer or full time employee of the Agency, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(D) Provide for the periodic physical examination of officers and employees of the Agency and for the cost of administering inoculations or vaccinations to such officers or employees.

(6) Pay the costs of preparing and transporting the remains of an officer or employee of the Agency or a member of his family who may die while in travel status or abroad, to his home or official station, or to such other place as the Director may determine to be the appropriate place of interment, provided that in no case shall the expense payable be greater than the amount which would have been payable had the destination been the home or official station.

EXPLANATION

(6) This section provides for the payment of the cost of preparing and transporting the remains of an employee, or members of his family, who may die abroad.

LAW

Section 5.(a) (cont'd).

(7) Pay the costs of travel of new appointees and their dependents, and the transportation of their household goods and personal effects, from places of actual residence in foreign countries at time of appointment to places of employment and return to their actual residences at the time of appointment or a point not more distant: *Provided*, That such appointees agree in writing to remain with the United States Government for a period of not less than twelve months from the time of appointment.

Violation of such agreement for personal convenience of an employee or because of separation for misconduct will bar such return payments and, if determined by the Director or his designee to be in the best interests of the United States, any money expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States.

(b) In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U.S.C. 70), the Director is authorized to grant to any officer or employee of the Agency allowances in accordance with the provisions of section 901 (1) and 901 (2) of the Foreign Service Act of 1946.

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(7) This section provides for the payment of the costs of travel of new appointees and their dependents from their place of actual residence abroad to the place of employment by the Agency. A safeguard is added in the proviso requiring reimbursement if the employee does not remain with the United States Government for a period of twelve months. This section facilitates the recruitment by the Agency of foreign nationals abroad when American personnel are not available.

(b) This section provides for overseas allowances similar to those given to Foreign Service personnel, including quarters, temporary lodging, cost of living, separation and transfer. These allowances are set by the Secretary of State.

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GENERAL AUTHORITIES

Section 6. In the performance of its functions, the Central Intelligence Agency is authorized to —

(a) Transfer to and receive from other Government agencies such sums as may be approved by the Bureau of the Budget, for the performance of any of the functions or activities authorized under sections 102 and 303 of the National Security Act of 1947 (Public Law 253, Eightieth Congress), and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this Act without regard to limitations of appropriations from which transferred;

(b) Exchange funds without regard to section 3651 Revised Statutes (31 U.S.C. 543);

(c) Reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(d) Authorize couriers and guards designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;

(e) Make alterations, improvements, and repairs on premises rented by the Agency, and pay rent therefor without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended: *Provided*, That in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency's functions or to the security of its activities.

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GENERAL AUTHORITIES

Section 6.(a) This section provides for financing certain Agency functions by the interdepartmental transfer of appropriations to and from C.I.A. Money coming to C.I.A. in this manner may be expended by this Agency under C.I.A. authorities.

(b) This section permits Agency disbursing officers to procure foreign funds through exchange or purchase.

(c) This section provides for the assignment of personnel of other Government agencies to this Agency and the reimbursement of those agencies for such services.

(d) This section authorizes official Agency couriers to carry firearms when engaged in the transportation of documents and materials which affect the national security.

(e) This section exempts the Agency from statutory restrictions upon the percentage of annual rental for leased premises that may be spent for permanent improvements and upon the percentage of fair market value that may be paid as annual rental. This enables the Agency to spend funds for special installations in leased premises where necessary to the security of its activities. This is an unusual grant of authority and requires the personal certification of the Director.

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Section 6. (cont'd).

(f) (1) Notwithstanding section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U.S.C.A. 62), or any other law prohibiting the employment of any retired commissioned or warrant officer of the armed services, the Agency is hereby authorized to employ and to pay the compensation of not more than fifteen retired officers or warrant officers of the armed services while performing service for the Agency, but while so serving such retired officer or warrant officer will be entitled to receive only the compensation of his position with the Agency, or his retired pay, whichever he may elect.

(2) Nothing in this section shall limit or affect the appointment of and payment of compensation to retired officers or warrant officers not presently or hereafter prohibited by law.

Section 7. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102 (d) (3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U.S.C. 947 (b)).

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(f) (1) & (2) These sections were added by Public Law 53 of the 82nd Congress, approved June 26, 1951, to overcome the statutory prohibition against the employment of retired officers of the armed services. C.I.A. is authorized to employ and pay compensation for not more than fifteen retired commissioned or warrant officers of the armed services. These officers while serving with C.I.A. must elect to receive either their retired pay or the compensation of their position with the Agency, but not both.

Section 7. This section was designed to implement the proviso contained in the National Security Act of 1947 that the Director shall be personally responsible for protecting intelligence sources and methods. It specifically exempts the Agency from the requirement of furnishing personnel data for publication in the Official Register of the United States, and, in general, exempts the Agency from the provisions of all other federal "housekeeping" statutes requiring disclosure of organization, functions, and other personnel information.

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Section 8. Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations, or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided*, That the number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year.

Section 9. The Director is authorized to establish and fix the compensation for not more than three positions in the professional and scientific field, within the Agency, each such position being established to effectuate those scientific intelligence functions relating to national security, which require the services of specially qualified scientific or professional personnel: *Provided*, That the rates of compensation for positions established pursuant to the provisions of this section shall not be less than \$13,100 per annum nor more than \$15,000 per annum, and shall be subject to the approval of the Civil Service Commission.

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Section 8. This section grants the Director the extraordinary authority to approve the entry into the United States (without regard to other laws concerning admissibility) of certain aliens and their families. The total of such persons admitted in any year shall not exceed one hundred. The approval of the Director must be concurred in by the Attorney General and the Commissioner of Immigration.

Section 9. This section authorizes the establishment of three scientific and professional positions in the Agency. These three positions are established for the employment of outstanding men in the scientific field of foreign intelligence. Appointments to such positions are subject to the approval of the Civil Service Commission. Public Law 697 of the 81st Congress, approved August 16, 1950, increased the minimum rate of compensation for the three persons employed under this section from \$10,000 to \$13,100.

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APPROPRIATIONS

Section 10.(a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including —

- (1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service program as authorized by law (5 U.S.C. 150); rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, and aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment, where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; payment of premiums or costs of surety bonds for officers or employees without re-

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APPROPRIATIONS

Section 10. (a) (1) This section is included in lieu of an annual appropriation and establishes a point of reference to which the administrative and fiscal officers of the Agency and other appropriate officers of the Government may look to determine those expenditures authorized for the activities of the Agency. It permits sums made available to the Agency to be expended for the purposes set forth in the section. This section is necessary in view of the requirements of existing law or Comptroller General decisions, which specify that such expenditures are not permissible unless authorized by law.

The funds authorized to be expended under Section 10 (a) (1) are vouchered funds in the traditional government concept.

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Section 10.(a) (cont'd).

gard to the provisions of 61 Stat. 646; 6 U.S.C. 14; payment of claims pursuant to 28 U.S.C.; acquisition of necessary land and the clearing of such land; construction of buildings and facilities without regard to 36 Stat. 699; 40 U.S.C. 259, 267; repair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances; and

- (2) supplies, equipment, and personnel and contractual services otherwise authorized by law and regulations, when approved by the Director.

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

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(2) This section provides that the Director may in special cases adopt the provisions of other laws and regulations where necessary to the performance of the functions of this Agency. This provision has not been relied upon in the conduct of Agency operations since other authorities under the Act have been considered more appropriate.

(b) The first part of this section, before the semicolon, extends to the Agency the authority to expend vouchered funds without regard to law and regulations when required by the peculiar functions of this Agency. The General Accounting Office during OSS days accepted vouchers for the expenditure of such funds under similar statutory authorities provided they were accompanied by the statement that they were necessary in furtherance of the agency mission. OSS made considerable use of this form of fund, historically designated by the symbol .002.

The second part of Section 10 (b) extends to C.I.A. the power to expend unvouchered funds for objects of a confidential, extraordinary, or emergency nature. Traditionally unvouchered funds were available only when security considerations were predominant. The enlargement of the concept beyond the purely "confidential" use to permit expenditures of an "extraordinary or emergency nature" is a partial explanation of the reason why it has not been necessary for C.I.A. to make use of .002 funds.

This section appears to vest the Director with absolute *power* to certify to any expenditure of the requisite nature. Broad as this *power* may be, there are definite

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SEPARABILITY OF PROVISIONS

Section 11. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

Section 12. This Act may be cited as the "Central Intelligence Agency Act of 1949."

Approved June 20, 1949.

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limitations upon the authority of the Director as to which expenditures he can certify. An example of such limitation is the Comptroller General's decision of November 21, 1951, on the retroactive pay question. The specific authorities in this section were intended by the Congress to apply to the peculiar functions of C.I.A. and not to solve the normal administrative problems of a Government agency.

SEPARABILITY OF PROVISIONS

Section 11. This section provides for the separability of provisions that may be declared invalid. This type of provision is a legislative device for rebutting the presumption raised by judicial construction that the invalidity of one section of a statute nullifies the statute as a whole because of the interrelation of its component provisions.

SHORT TITLE

Section 12. This section provides a short title for this Act.

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II

Extracts From
NATIONAL SECURITY ACT OF 1947

Public Law 253 — 80th Congress
as Amended by
Section 10(c)
of
Public Law 216 — 81st Congress
and
as Amended by
Public Law 15 — 83rd Congress

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II

Extracts From
NATIONAL SECURITY ACT OF 1947
Public Law 253 — 80th Congress
as Amended by
Section 10(c)
of
Public Law 216 — 81st Congress
and
as Amended by
Public Law 15 — 83rd Congress

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Extracts From

NATIONAL SECURITY ACT OF 1947

Public Law 253 — 80th Congress
as Amended by Section 10(c) of
Public Law 216 — 81st Congress
and as Amended by
Public Law 15 — 83rd Congress

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TITLE I — COORDINATION FOR NATIONAL SECURITY

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CENTRAL INTELLIGENCE AGENCY

Section 102.(a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof, and with a Deputy Director of Central Intelligence who shall act for, and exercise the powers of, the Director during his absence or disability. The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,* That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.

(b) (1) If a commissioned officer of the armed services is appointed as Director, or Deputy Director, then—

(A) in the performance of his duties as Director, or Deputy Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

RESTRICTED

EXPLANATION

For legal purposes the National Security Act of 1947 may be cited as 61 Stat. 496, 50 U.S.C. 401, et. seq., approved July 26, 1947, as amended by the Act of August 10, 1949, 63 Stat. 579, and the Act of April 4, 1953, 67 Stat. 19.

TITLE I — COORDINATION FOR NATIONAL SECURITY

CENTRAL INTELLIGENCE AGENCY

Section 102.(a) & (b) These sections established the Central Intelligence Agency under the National Security Council and provided for the appointment and payment of the Director and Deputy Director. The Director and Deputy Director may not both at the same time be commissioned officers of the armed services, whether active or retired. If either the Director or the Deputy Director is appointed from among the commissioned officers of the armed services, it is provided that:

1. he shall not be subject to military control in the performance of his duties;
2. he shall exercise no control over the armed services other than such as he is authorized as Director or Deputy Director of Central Intelligence;
3. he shall retain all the emoluments and benefits of his military grade and if his total pay and allowances do not equal the compensation attached to his office, the difference between such military pay and allowances and the statutory salary of his office shall be paid by CIA;
4. his rank or grade during the period he occupies the office of Director or Deputy Director shall be in addition to the number of officers in such rank or grade authorized for the armed service of which he is a member.

LAW

Section 102.(b) (1) (cont'd).

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment to the office of Director, or Deputy Director, of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to defray the expenses of the Central Intelligence Agency. He also shall be paid by the Central Intelligence Agency from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances.

(3) The rank or grade of any such commissioned officer, shall, during the period in which such commissioned officer occupies the office of Director of Central Intelligence, or Deputy Director of Central Intelligence, be in addition to the numbers and percentages otherwise

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LAW

Section 102. (cont'd).

authorized and appropriated for the armed service of which he is a member.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

- (1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;
- (2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;
- (3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall

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EXPLANATION

(c) This section provides that irrespective of all statutes governing the termination of federal employment, the Director of Central Intelligence may terminate the employment of any employee with C.I.A. whenever in his discretion he determines it to be necessary in the national interest. Termination in such manner does not affect the right of such employee to seek employment elsewhere in the Federal Government if the Civil Service Commission declares him eligible therefor.

(d) This section describes the functions of the Central Intelligence Agency.

- (1) The Agency will advise the National Security Council on matters of national intelligence;
- (2) The Agency will recommend to the National Security Council methods for coordinating national intelligence activities;
- (3) The Agency will correlate, evaluate, and disseminate national intelligence within the government. There are three very important provisos attached to this duty:
 - (A) The Central Intelligence Agency is to have no internal security functions;
 - (B) Other departments will continue to exercise their intelligence functions; and
 - (C) The Director is personally charged with protecting intelligence sources and methods from unauthorized disclosure;

LAW

Section 102. (cont'd).

be responsible for protecting intelligence sources and methods from unauthorized disclosure;

- (4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;
- (5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however,* That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

EXPLANATION

(4) The Agency will perform for other intelligence agencies such activities as the National Security Council directs to be performed centrally; and

(5) The Agency will perform such other functions as the National Security Council may direct from time to time.

(e) This section provides that where recommended by the National Security Council and the President, the Director shall have access to the national intelligence of other departments and agencies of the Government. Such intelligence is to be made available for correlation, evaluation, and dissemination by the Director:

Provided, however, That upon the *Director's* written request the FBI shall make available to the Director such information for correlation, evaluation, and dissemination as relates to national security.

LAW

Section 102. (cont'd).

(f) Effective when the Director first appointed under subsection (a) has taken office—

- (1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and
- (2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

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EXPLANATION

(f) This section provides that as of September 20, 1947:

(1) The National Intelligence Authority established by Executive Order on February 5, 1946, was abolished; and

(2) The personnel, property and records of the Central Intelligence Group were transferred to C.I.A. The Central Intelligence Group was abolished, and unexpended funds of the Central Intelligence Group were made available to C.I.A.

LAW

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TITLE III — MISCELLANEOUS

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ADVISORY COMMITTEES AND PERSONNEL

Section 303.(a) The Secretary of Defense, the Chairman of the National Security Resources Board, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this Act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50 for each day of service, as determined by the appointing authority.

(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of section 109 or 113 of the Criminal Code (U. S. C., 1940 edition, title 18, secs. 198 and 203), or section 19(e) of the Contract Settlement Act of 1944, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested.

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EXPLANATION

TITLE III — MISCELLANEOUS

ADVISORY COMMITTEES AND PERSONNEL

Section 303.(a) This section provides that the Director of Central Intelligence is authorized to appoint advisory committees and to employ such part-time advisory personnel as he deems necessary to carry out his respective functions and the functions of C.I.A. Those persons who hold other offices or positions in the Federal Government, to which compensation attaches, are entitled to no additional pay for performing such advisory services. Other persons serving on such committees or in such part-time advisory capacities may receive such compensation up to \$50 per day as the Director approves. The maximum rate of per diem compensation for consultants was increased from \$35 to \$50 by Section 10(c) of the National Security Act Amendments of 1949 (Public Law 216, 81st Congress), approved August 10, 1949.

(b) This section provides that an individual serving in an advisory position, as provided in paragraph (a), shall not be considered to have violated those provisions of the Criminal Code penalizing those, who, while in Government employ, or for two years after the termination of such employment, assist another in matters affecting claims against the United States for compensation or gratuity, unless the act of such individual made unlawful by these sections is with respect to a matter directly concerning a department or agency which such individual is advising.

LAW

EFFECTIVE DATE

Section 310.(a) The first sentence of section 202(a) and sections 1, 2, 307, 308, 309, and 310 shall take effect immediately upon the enactment of this Act.

(b) Except as provided in subsection (a), the provisions of this Act shall take effect on whichever of the following days is the earlier: The day after the day upon which the Secretary of Defense first appointed takes office, or the sixtieth day after the day of the enactment of this Act.

EXPLANATION

EFFECTIVE DATE

Section 310.(a) and (b) Under this section the effective date of the establishment of the Central Intelligence Agency was September 18, 1947, the day after the date on which the Secretary of Defense first appointed took office.

III

COMPILATION OF EXTRACTS FROM OTHER STATUTES
REFERRING SPECIFICALLY TO
THE CENTRAL INTELLIGENCE AGENCY
OR
THE DIRECTOR OF CENTRAL INTELLIGENCE

Ex-
tracts

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III

COMPILATION OF EXTRACTS FROM OTHER STATUTES
REFERRING SPECIFICALLY TO
THE CENTRAL INTELLIGENCE AGENCY
OR
THE DIRECTOR OF CENTRAL INTELLIGENCE

RESTRICTED

LAW

IMMIGRATION AND NATIONALITY ACT, 1952

Public Law 414 — 82nd Congress

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TITLE 1 — GENERAL

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LIAISON WITH INTERNAL SECURITY OFFICERS

Section 105. The Commissioner and the administrator shall have authority to maintain direct and continuous liaison with the Directors of the Federal Bureau of Investigation and the Central Intelligence Agency and with other internal security officers of the Government for the purpose of obtaining and exchanging information for use in enforcing the provisions of this Act in the interest of the internal security of the United States. The Commissioner and the administrator shall maintain direct and continuous liaison with each other with a view to a coordinated, uniform, and efficient administration of this Act, and all other immigration and nationality laws.

* * *

REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION, AND FAVORABLE DISPOSITION TO THE UNITED STATES

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TITLE III — NATIONALITY AND NATURALIZATION

* * *

Section 316. (c) In the case of a person employed by or under contract with Central Intelligence Agency, the requirement in subsection (b) of an uninterrupted period of at least one year of physical presence in the United States may be complied with by such person at any time prior to filing a petition for naturalization.

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RESTRICTED

EXPLANATION

For legal purposes the Immigration and Nationality Act, 1952, may be cited as 66 Stat. 163, enacted into law over presidential veto, June 27, 1952.

TITLE I — GENERAL

LIAISON WITH INTERNAL SECURITY OFFICERS

Section 105. This section provides for direct liaison by the Commissioner of Immigration and Naturalization and the administrator of the Bureau of Security and Consular Affairs of the Department of State with the Directors of the F.B.I. and C.I.A. and other internal security officers for the interchange of information in the interests of internal security.

REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION, AND FAVORABLE DISPOSITION TO THE UNITED STATES

TITLE III — NATIONALITY AND NATURALIZATION

Section 316.(c) This section provides in part that employees of the Central Intelligence Agency need not be physically present in the United States for an uninterrupted period of one year prior to an extended absence from the United States, in order that their service overseas will count towards the total period of residence required before a petition for naturalization may be filed. For such employees the requirement of one year's uninterrupted presence in the United States may be satisfied at any time prior to the filing of the petition.

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LAW

Immigration and Nationality Act (cont'd).

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SAVINGS CLAUSES

Section 405.(e) This Act shall not be construed to repeal, alter, or amend section 231(a) of the Act of April 30, 1946 (60 Stat. 148; 22 U.S.C. 1281 (a)), *the Act of June 20, 1949 (Public Law 110, section 8. Eighty-first Congress, first session; 63 Stat. 208)*, the Act of June 5, 1950 (Public Law 535, Eighty-first Congress, second session), nor title V of the Agricultural Act of 1949, as amended (Public Law 78, Eighty-second Congress, first session). (Emphasis supplied.)

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EXPLANATION

SAVINGS CLAUSES

Section 405.(e) The italicized portion of this section emphasizes that the Immigration and Nationality Act of 1952 is not intended in any manner to repeal, alter, or amend Section 8 of the Central Intelligence Agency Act of 1949 granting the Director of Central Intelligence the extraordinary power to secure the admission of certain aliens for permanent residence in the United States.

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LAW

EXECUTIVE PAY BILL, 1949
Public Law 359 — 81st Congress

* * *

Section 4. The rate of basic compensation of the Chairman of the Munitions Board, the Chairman of the Research and Development Board, the Assistant Comptroller General of the United States, the Assistant Director of the Bureau of the Budget, the Deputy Administrator of Veterans' Affairs, *the Director of Central Intelligence*, the Federal Mediation and Conciliation Director, the Director of the Federal Bureau of Investigation, the Chairman of the Civil Service Commission, the Chairman of the Board of Directors of the Export-Import Bank of Washington, the Chairman of the Board of Directors of the Reconstruction Finance Corporation, the Chairman of the United States Maritime Commission, members of the Council of Economic Advisers, members of the Board of Governors of the Federal Reserve System, and members of the Board of Directors of the Federal Deposit Insurance Corporation (including the Comptroller of the Currency) shall be \$16,000 per annum.

* * *

Section 6. (a) The rate of basic compensation of the Housing Expediter, the Director of the Bureau of Federal Supply, the Director of Selective Service, members of the Displaced Persons Commission, members of the Indian Claims Commission, members of the War Claims Commission, members of the Philippine War Damage Commission, the Associate Federal Mediation and Conciliation Director, *the Deputy Director of Central Intelligence*, the Director of the Bureau of Prisons, the Commissioner of Public Buildings, the Commissioner of Community Facilities, the Commissioner for Social Security, the Commissioner of Reclamation, the Chief of the Soil Conservation Service, the Commissioner of Customs, the Commissioner

EXPLANATION

For legal purposes the Executive Pay Bill, 1949, may be cited as 63 Stat. 880, approved October 15, 1949.

Section 4. This section increased the basic compensation of the Director of Central Intelligence to \$16,000 per annum from \$14,000 per annum as originally established in Section 102(a) of the National Security Act of 1947.

Section 6.(a) This section gives statutory recognition to the office of Deputy Director of Central Intelligence and establishes the basic compensation for such office at \$14,000 per annum.

LAW

Section 6.(a) (Cont'd).

of Narcotics, the Governor of the Farm Credit Administration, the Chief Forester of the Forest Service, the Administrator of the Farmers Home Administration, the Manager of the Federal Crop Insurance Corporation, the Associate Director of the Federal Bureau of Investigation, the Commissioners of the United States Court of Claims, the Assistant Architect of the Capitol, the Chief Assistant Librarian of Congress, and the Deputy Public Printer shall be \$14,000 per annum.

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EXPLANATION

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RESTRICTED

LAW

CLASSIFICATION ACT OF 1949
Public Law 429 — 81st Congress

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TITLE II — COVERAGE AND EXEMPTIONS

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Section 202. This Act (except title XII) shall not apply to—

* * *

(16) The Central Intelligence Agency;

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RESTRICTED

EXPLANATION

For legal purposes the Classification Act of 1949 may be cited as 63 Stat. 954, 5 U.S.C. 1071, et seq., approved October 28, 1949.

TITLE II — COVERAGE AND EXEMPTIONS

Section 202.(16) Subsection 16 of this section exempts the Central Intelligence Agency from the coverage of the Act. The Classification Act of 1949 revised the classification and compensation of officers and employees of the Federal Government. Title XII of this Act contains miscellaneous provisions intended to bring existing legislation into line with the provisions of this Act.

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RESTRICTED

LAW

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT
OF 1949

Public Law 152 — 81st Congress

* * *

REPEAL AND SAVING PROVISIONS

Section 502. (d) Nothing in this Act shall impair or affect any
authority of —

* * *

(17) Central Intelligence Agency;

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EXPLANATION

For legal purposes the Federal Property and Administrative Services Act of 1949 may be cited as 63 Stat. 378, 41 U.S.C. 201, et seq., approved June 30, 1949.

REPEAL AND SAVING PROVISIONS

Section 502.(d) (17) Subsection (17) of this section expressly provides that no authority of the Central Intelligence Agency will be impaired or affected by the enactment of this act, which is the basic legislation establishing the General Services Administration. The procurement authorities given C.I.A. by Section 3 of the Central Intelligence Agency Act of 1949 (Public Law 110—81st Congress) are comparable to many given the General Services Administration by this Act and enable C.I.A. to procure directly when necessary rather than through the General Services Administration.

LAW

INTERNAL SECURITY ACT OF 1950

Public Law 831 — 81st Congress

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TITLE 1 — SUBVERSIVE ACTIVITIES CONTROL

* * *

Section 20. The Act of June 8, 1938 (52 Stat. 631; 22 U.S.C. 611-621), entitled "An Act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes", as amended, is hereby further amended as follows:

(a) . . . add the following paragraph immediately after section 1(c) (4):

"(5) any person who has knowledge of or has received instruction or assignment in the espionage, counter-espionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, unless such knowledge, instruction, or assignment has been acquired by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivision, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party or unless, by reason of employment at any time by an agency of the United States Government having responsibilities in the field of intelligence, such person has made full written disclosure of such knowledge or instruction to officials within such agency, such disclosure has been made a matter of record in the files of such agency, and a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security,".

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EXPLANATION

For legal purposes the Internal Security Act of 1950, may be cited as 64 Stat. 987, enacted into law over presidential veto, September 23, 1950.

TITLE I — SUBVERSIVE ACTIVITIES CONTROL

Section 20.(a) This section added another category of persons included within the term "agent of a foreign principal" for purposes of requiring their registration as foreign propagandists. The Director of Central Intelligence is authorized in the interest of national security, to exempt certain persons within this category from registration.

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